REMARKS

Rejections based on Sevcik (U.S. Patent No. 6,266,699)

The Office Action rejected claims 1-66 as being anticipated by or rendered obvious over U.S. Patent No. 6,266,699 to Sevcik ("Sevcik"). Claims 1-5, 8-25, 27-41, 44-50, 52-56, 58 and 60-66 were rejected under 35 U.S.C. § 102(e) as being anticipated by Sevcik. Claims 6-13, 39, 41-43, 48, 50, and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sevcik in view of U.S. Patent No. 6,292,789 to Schutzer ("Schutzer") and U.S. Patent No. 6,286,039 to Van Horne ("Van Horne"). Claims 14 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sevcik in view of Van Horne. Claims 57 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sevcik in view of Schutzer.

Claim 1

With regard to claim 1, the Office Action states that the Sevcik reference teaches the following two limitations: "recording at least one network address for the information provider server and billing management information for identifying whether the information provider server is billed" and "determining whether or not said information provider server is to be billed based on the detected network address and said billing management information".

Applicants respectfully disagree that the Sevcik reference teaches either limitation. With regard to the "recording" limitation, the Office Action states that Col. 3, lines 5-12 teaches the limitation. The excerpt from the Sevcik reference is as follows:

> The service control point function in the Internet service node ISN recognizes the members of the user group and checks their authorization to access of specific servers or applications by asking in the domain name server DNS function. In combination with the billing explained above, <u>this embodiment offers an individual design of the billing, for example, billing individually for each virtual private network VPN user group</u>.

(Emphasis added). As shown by the above excerpt, the service control point checks an individual's access to specific servers to determine whether the individual is billed. If a user attempts to access the specific servers, the service control point checks to see whether the individual is a member of a user group. If the individual is a member of the user group, the individual is billed. This excerpt, as well other excerpts in the Sevcik reference, teaches that the only billing option is to bill the individual. Specifically, any billing information which is

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recorded in the Sevcik reference is to identify whether the individual (not the information provider) is billed. Therefore, there is no teaching or suggestion to record "billing management information <u>for identifying whether the information provider server is billed</u>". (Emphasis added). In the Response to Arguments section, the Office Action states that the Sevcik reference meets the limitation since Sevcik cites storing, which the Office Action equates to recording. Applicants do not dispute that storing is similar to recording. However, what is stored in Sevcik is information to bill the user, not billing information to identify whether to bill the information provider.

With regard to the "determining" limitation, the Office Action states that Col. 2, line 47 – col. 3, line 32 and Col. 5, lines 22-26. Because the cited excerpts are too lengthy, one relevant excerpt is provided below:

> In this [billing] embodiment, the service control point SCP function, based on the knowledge of the servers and applications selected by the accesses onto the domain name server DNS function, can determine the billing according to previously determined, flexibly variable fee schedules and can display the <u>billing to the users</u> by a billing method which is known in telecommunications networks (for example, by advising of charges and tickets). The handling of the billing of Internet use can thereby be expanded, in particular by the methods which are known from intelligent networks IN such as the use of: calling cards, pre-paid cards, or by the use being billed via commercial credit cards.

Col. 2, lines 49-61 (emphasis added). Further, in the Response to Arguments section, the Office Action states that the Sevcik reference meets the limitation since Sevcik discloses billing, related determining routines, and options therein. Applicant disagrees. While the Sevcik reference discloses whether to bill the user, it does not teach or even suggest determining whether to bill any other party to the transaction (including the information provider server, as is claimed). Rather, the Sevcik reference has one, and only one form of billing – user billing. The Sevcik reference does not teach or even suggest any other type of billing. Moreover, the type of billing contemplated and claimed in claim 1 provides a robust and powerful form of billing. Instead of the limited form of billing contemplated in Sevcik (only billing the end user), billing as claimed in claim 1 allows various parties to the transaction, such as the Information Provider Server or the User. For example, an Information Provider Server may be billed for one network address while a user may be billed for a second network address. Therefore, applicants believe that claim 1 and the claims dependent on claim 1 are not anticipated or rendered obvious by the Sevcik reference.

Claim 4

Applicants amended claim 4 in the Amendment dated June 30, 2003; however, in rejecting the claim, the Office Action references claim 4 as originally filed both on page 3 and on page 22 in the Response to Arguments section. Applicants do not believe either claim 4 as originally filed or claim 4 as currently presented are anticipated or rendered obvious by the Sevcik reference. Applicants focus the discussion on claim 4 as currently presented.

Claim 4 recites at least two limitations which are not present in the Sevcik reference: "receiving, from said information provider server, billing information other than a network address of the information provider server and information to be delivered to a user terminal" and "determining which party, from at least two parties, to bill for routing the information, wherein determining is based on said billing information".

The Sevcik reference determines whether to bill an individual based on information, such as a network address, sent from the user. Excerpts from the Sevcik reference are as follows:

> In this [billing] embodiment, the service control point SCP function, based on the knowledge of the servers and applications selected by the accesses onto the domain name server DNS function, can determine the billing according to previously determined, flexibly variable fee schedules and can display the billing to the users by a billing method which is known in telecommunications networks (for example, by advising of charges and tickets). Col. 2, lines 49-57 (emphasis added)

> User groups for whom access to specific servers or to specific Internet applications is exclusively reserved are stored in the service control point function, according to one embodiment. The service control point SCP function checks the access of a user to the specific servers or specific Internet applications on the basis of this stored user groups. As a result of this improvement, the service control point SCP function can reserve the access to specific Internet servers and applications to a specific user group, in particular according to the known principles of virtual private networks VPN. The service control point function in the Internet service node ISN recognizes the members of the user group and checks their authorization to access of specific servers or applications by asking in the domain name server DNS function. In combination with the billing explained above, this embodiment offers an individual design of the billing, for example, billing individually for each virtual private network VPN user group. Col. 2, line 62 – col. 3, line 12 (emphasis added).

In order for the SCP in the Sevcik reference to determine whether to bill the user, the SCP must receive information from the individual. For example, as discussed in the first excerpt, the

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individual must send information regarding the specific server accessed. Specifically, the SCP uses the DNS function to determine the address of the server for billing.

By contrast, the "receiving" limitation in claim 4 as current presented distinguishes from the Sevcik reference in at least two respects. First, claim 4 recites that the billing information is received "from said information provider server", not from the user as taught in Sevcik. Second, claim 4 recites that the billing information is "other than a network address of the information provider server", not the network address as taught in Sevcik. Moreover, the Sevcik reference does not teach the "determining" limitation. As discussed above, the Sevcik reference does not teach or even suggest any step of determining which party to bill since the user is always billed. Therefore, applicants believe that claim 4 and the claims dependent on claim 4 are not anticipated or rendered obvious by the Sevcik reference.

Claim 6

With regard to claim 6, the Office Action states that the Sevcik reference teaches all of the limitations in claim 6 except for the following: "said transfer device comprising a mailbox for mediating push-type information transmission"; "receiving, from said information provider server, address information for said mailbox, information to be delivered to a user terminal, and a desired destination of the user terminal"; "storing in said mailbox the information to be delivered to the user terminal"; and "billing the information provider server for push-type transmission services through said mailbox."

Applicants agree that the Sevcik reference does not teach the limitations in claim 6. However, applicants disagree with the Office Action that the Schutzer and Van Horne references teach or even suggest the missing limitations. The Office Action states that the Schutzer reference teaches the use of electronic mail messages and electronic mailboxes for billing and storage of such messages in an electronic mailbox. The Office Action cites as support lines 9-13 of the Abstract in Schutzer. The abstract is reproduced below:

> A method and system for presentment of bills on a computer network includes a biller account hosted on a server of a bill service provider for receiving a bill file from a biller that includes bill data. The biller account automatically formats a bill for a consumer from the bill data. The bill file from which the bill is automatically formatted includes a bill template and bill content and may also include a temporary resource. A document server coupled to the bill service provider's server receives and automatically stores the formatted bill in a storage location. The formatted bill consists of an electronic

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mail message, and the storage location is an electronic mailbox. The stored bill is accessed and displayed by the consumer on a consumer terminal coupled to the document server. The consumer may pay the bill through a bill payment processor.

Though incorrectly cited by the Office Action, applicants presume that the Office Action cites the following sentence as support: "The formatted bill consists of an electronic mail message, and the storage location is an electronic mailbox."

As an initial matter, the Schutzer reference is of less than minimal relevance to the present invention. The Schutzer reference does not disclose a system whereby the consumer is billed for information sent. Rather, the Schutzer reference discloses a system wherein the consumer may electronically access previously generated bills. Bills are sent from a biller 106 to a billing service provider 104. The billing service provider 104 consolidates the bills and routes the consolidated bills to the consumer service provider 102, which then sends the bills to a mailbox for the consumer.

Moreover, the Schutzer reference does not teach or suggest any of the limitations cited above. First, the Schutzer reference does not teach a transfer device comprising a mailbox for mediating push-type information transmission since the Schutzer reference does not teach or suggest pushing the information to the consumer. Second, the Schutzer reference does not teach receiving from said information provider server an address of a desired destination of the user terminal. The Schutzer reference only teaches that the bills are sent to an electronic mailbox of the consumer. It does not teach or suggest that the consumer's destination is sent to the mailbox. Third, the Schutzer reference does not teach billing the information provider server for push-type transmission services through said mailbox. The entire point behind the Shutzer reference is to generate a consolidated bill and send the consolidated bill to a consumer mailbox for the consumer to pay. It is contrary to the teachings of the Shutzer reference to send a bill to the consumer mailbox and then to require biller 106 pay the bill. Further, the consumer must pay not because information was sent to the consumer mailbox, but because biller designated the consumer to pay.

The Office Action states that Van Horne teaches the use of push-type information transmission for billing options. In actuality, Van Horne teaches billing a user for access to an electronic communications network (ECN). When a user accesses the ECN, the user's software determines if the user's computer has billing information pre-stored in client software 90. If the

user's computer does not have the billing information pre-stored, the server software 130 may "'push' the billing options to the client software 90". Col. 16, line 57. Therefore, if the user's computer needs an upgrade of the billing options (in order to determine how much to bill the client), the billing options are sent to the user. After which, the billing options may be used to determine how much to bill the client when the user pulls information. The Van Horne reference does not remedy the deficiencies in Sevcik and Schutzer. As a general matter, Van Horne does not teach billing for push-type information. More specifically, Van Horne does not teach billing the information provider server for push-type information. Further, Van Horne does not teach a mailbox for mediating push-type information. Therefore, none of the cited references, alone or in combination, render claim 6 or its dependent claims obvious.

In the Response to Arguments section, the Office Action stated that applicants' arguments included typographical and grammatical errors. The Office Action further stated that the Amendment included errors in quotations. Applicants cannot disagree more vehemently. As shown throughout the Office Action (see, e.g., claims 4 and 7), the Examiner is not reviewing the current version of the claims. Applicants respectfully request that the Examiner withdraws these incorrect statements.

Claim 7

With regard to claim 7, the Office Action states that the following:

> Sevcik discloses in a communication network an information provider server, a plurality of user terminals which receive information from said information provider server and a transfer device for routing information between said information provider server and said user terminals, said transfer device comprising:
> • an information provider server for mediating information transmission which is billed to the information provider server; and
> • a billing method performed by said server transfer device (for example, Col. 1, Line 1 – Col.3, line 33; Col. 2, lines 14-22; Col. 3, lines 21-32).

As an initial matter, in contrast to the incorrect mischaracterization of the claim, claim 7 recites "an information provider server mailbox for mediating push-type information transmission which is billed to the information provider server". Moreover, the claims do not recite a "server transfer device" as alleged in the Office Action. Applicants amended the claim in the Amendment dated June 30, 2003. Further, as discussed above, the Sevcik reference does not

teach or suggest billing the information provider server. The Sevcik reference only teaches billing the user.

The Office Action further states the following:

> Sevcik does not explicitly disclose a transfer device which comprises:
> - an information provider server mailbox for mediating push-type information transmission which is billed to the information provider server; and
> - a user-billed mailbox for mediating information transmission which is not billed to the information provider server;
> - an IP-billed mailbox for mediating push-type information transmission that is subject to IP billing which is billing with respect to the information provider;
> - receiving, from said information provider server, address information for said information provider server mailbox and first information to be delivered to a user terminal;
> - storing the first information to be delivered to the user terminal in the information provider server mailbox;
> - receiving, from said information provider server, address information for said user-billed mailbox and second information to be delivered to a user terminal; storing the second information to be delivered to the user terminal in the user-billed mailbox;
> billing the information provider server for at least a portion of the first information portion of the second information; and
> billing the user for at least a portion of the second information.

As an initial matter, the Office Action incorrectly characterizes the limitations in claim 7. Claim 7 as currently presented does not recite "an IP-billed mailbox for mediating push-type information transmission that is subject to IP billing which is billing with respect to the information provider". Applicants cancelled this limitation in the Amendment dated June 30, 2003. Further, claim 7 recites "billing the information provider server for at least a portion of the first information" not "billing the information provider server for at least a portion of the first information portion of the second information" as stated in the Office Action.

Applicants agree that the Sevcik reference does not teach the limitations in claim 7. However, applicants disagree with the Office Action that the Schutzer and Van Horne references teach the missing limitations. The Office Action states that the Schutzer reference teaches the use of electronic mail messages and electronic mailboxes for transmitting billing information and storage of such messages in an electronic mailbox. The Office Action cites as support lines 9-13 of the Abstract in Schutzer. As discussed above, the Schutzer reference discloses a billing system which is inapposite to the current claims. In Schutzer, the consumer is billed for previous transactions, and those transactions are sent to a mailbox of the consumer. Moreover, as

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discussed above, the Van Horne reference does not remedy the deficiencies in Sevcik and Schutzer. Van Horne teaches pushing information about billing to the user. In essence, Van Horne merely teaches a software billing upgrade that is sent to the user. Therefore, none of the cited references, alone or in combination, render claim 7 or its dependent claims obvious.

As discussed above, the Examiner's comments in the Response to Arguments are incorrect. The Examiner is clearly reviewing the claims as originally submitted, not as currently presented. Applicants respectfully request that the Examiner withdraws his statements.

Claim 14

With regard to claim 14, the Office Action states that each of the limitations is taught in Col. 2, line 32 to col. 3, line 32 of the Sevcik reference. As discussed above, this section of the Sevcik reference teaches billing of the user. A user attempts to access a network address of a specific server. If the user is authorized to access the server, the user is billed. However, this excerpt and the entire Sevcik reference fails to teach or suggest at least the following limitations in claim 14: "recording network addresses for the information provider servers and billing management information for identifying which party, from at least two parties, to bill"; and "determining which party to bill, from the at least two parties, based on the received network address and the billing management information". First, the Sevcik reference does not teach billing information to identify "which party, from at least two parties, to bill". Sevcik only teaches that one party may be billed (the user), does not teach that more than one party may be billed, and does not teach billing information to identify which party from at least two parties to bill. Second, as discussed above, the Sevcik reference only teaches billing the user and does not teach determining which party to bill, from a selection of at least two parties. Therefore, applicants believe that claim 14 and its dependent claims are not anticipated or rendered obvious by the Sevcik reference.

Claim 39

Claim 39 recites at least two limitations not taught or suggested by the Sevcik reference: "receiving a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server"; and "determining which party,

from at least two parties, to bill for routing the information, wherein determining is based on the billing information". The Office Action states the Sevcik reference teaches the "receiving" limitation at col. 2, lines 47-61 and col. 3, lines 21-32, and the "determining" limitation at col. 2, lines 46-61. The excerpts are listed below:

> In an another embodiment, the billing unit for access onto a specific server or onto a specific Internet application is stored in the service control point SCP function. In this embodiment, the service control point SCP function, based on the knowledge of the servers and applications selected by the accesses onto the domain name server DNS function, can determine the billing according to previously determined, flexibly variable fee schedules and can display the billing to the users by a billing method which is known in telecommunications networks (for example, by advising of charges and tickets). The handling of the billing of Internet use can thereby be expanded, in particular by the methods which are known from intelligent networks IN such as the use of: calling cards, pre-paid cards, or by the use being billed via commercial credit cards. Col. 2, lines 47-61 (emphasis added).

> From the viewpoint of other Internet servers, the control means of the present invention represents an Internet server and, thus, can exchange data with other Internet servers. This makes it possible that specific Internet applications in specific servers can modify the data in the control means of the present invention. In particular, it is possible to modify the routing data in the service control point function, to modify the addresses and particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, the personal identification numbers PIN, and the billing information in the service control point and in the domain name server functions. Col. 3, lines 21-32.

Applicants respectfully disagree that the above-excerpts, or any other portion of the Sevcik reference teaches the limitations. The "receiving" limitation in claim 39 distinguishes from the Sevcik reference in at least two respects. First, claim 39 recites that the billing information is received "from said information provider server", not from the user as taught in Sevcik. Second, claim 39 recites that the billing information is "other than a network address of the information provider server". As highlighted above, the Sevcik reference determines billing based on the network address. See col. 2, lines 50-53 ("based on the knowledge of the servers and applications selected by the accesses onto the domain name server DNS function, can determine the billing"). Moreover, the Sevcik reference does not teach the "determining" limitation in claim 39. As discussed above, the Sevcik reference does not teach or even suggest any step of determining which party to bill since the user is always billed. Therefore, applicants believe that claim 39 and its dependent claims are not anticipated or rendered obvious by the Sevcik reference.

Claim 44

Claim 44 recites at least one limitation not taught or suggested by the Sevcik reference: "sending network address and billing information from the information provider server to the transfer device for registration of the information provider server with the transfer device, wherein the billing information identifies which party is to be billed for routing information from the information provider server." The Office Action states the Sevcik reference teaches the limitation at col. 2, lines 4-52 and col. 2, line 62 – col. 3, line 33. The listed excerpts relate to a user pulling information from a server. The user requests information from the server by sending the network address to service control point SCP. The SCP examines the network address to determine whether the user should be billed. By contrast, the "sending" limitation distinguishes from the Sevcik reference in at least two respects. First, claim 44 recites that the billing information is sent "from the information provider server to the transfer device", not from the user as taught in Sevcik. Second, claim 44 recites that the information provider server sends network address **and** billing information. This is distinct from Sevcik in that provides no teaching to send **both** network address and billing information. Therefore, applicants believe that claim 44 and its dependent claims are patentable over the cited references.

Claim 48

Claim 48 recites at least one limitation not taught or suggested by the Sevcik reference: "sending a communication from the information provider server, the communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server." The Office Action states the Sevcik reference teaches the limitation at col. 3, lines 21-32, which is reproduced below:

> From the viewpoint of other Internet servers, the control means of the present invention represents an Internet server and, thus, can exchange data with other Internet servers. This makes it possible that specific Internet applications in specific servers can modify the data in the control means of the present invention. In particular, it is possible to modify the routing data in the service control point function, to modify the addresses and particular information about Internet applications in the domain name server DNS function, and to modify the authorizations, the personal identification numbers PIN, and the billing information in the service control point and in the domain name server functions.

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Applicants respectfully disagree that the above-excerpt, or any other portion of the Sevcik reference teaches the limitation, distinguishing from the Sevcik reference in at least two respects. First, claim 48 recites that the billing information is sent "from said information provider server", not from the user as taught in Sevcik. Second, claim 48 recites that the communication from the information provider server includes "information to be routed and billing information" with the billing information being "other than a network address for the information provider server". The Sevcik reference does not teach or suggest this type of dynamic billing, where the billing information is other than a network address and is sent with the information to be routed. Therefore, applicants believe that claim 48 and its dependent claims are patentable over the cited references.

Claim 52

With regard to claim 52, the Office Action states that each of the limitations is taught in Col. 2, line 4 to col. 3, line 33 of the Sevcik reference. However, this excerpt and the entire Sevcik reference fails to teach or suggest at least the following limitations in claim 52: "registering network addresses for the information provider servers and billing management information for identifying which party, from at least two parties, to bill"; and "determining which party to bill, from the at least two parties, based on the registered network address and the billing management information". First, the Sevcik reference does not teach billing information to identify "which party, from at least two parties, to bill". Sevcik only teaches that one party may be billed (the user), does not teach that more than one party may be billed, and does not teach billing information to identify which party from at least two parties to bill. Second, as discussed above, the Sevcik reference only teaches billing the user and does not teach the "determining" step of determining which party to bill, from a selection of at least two parties. Therefore, applicants believe that claim 52 and its dependent claims are patentable over the cited references.

Claim 57

With regard to claim 57, the Office Action states that the Sevcik reference teaches the database, the information managing portion, billing managing portion, and the billing system. Applicants state that the Sevcik reference does not teach at least the billing management portion.

The billing management portion recites "determin[ing] whether to bill the information provider server and what type of billing to apply". As discussed above, the Sevcik reference fails to teach or suggest whether to bill the information provider servers. Moreover, the Schutzer and Van Horne reference fail to remedy the deficiency of the Sevcik reference. As discussed above, Schutzer sends a bill for the user to pay. Schutzer does not teach or suggest billing the information provider server at all. Van Horne likewise only teaches billing the user, pushing information about billing to the user's computer for the user to be billed. Therefore, claim 57 and its dependent claims are not rendered obvious by the cited references, either alone or in combination.

Claim 63

With regard to claim 63, the Office Action states that each of the limitations is taught in Col. 2, line 4 to col. 3, line 33 of the Sevcik reference. However, this excerpt and the entire Sevcik reference fail to teach or suggest at least the following limitations in claim 63: "registering means for registering network addresses of the information provider server and billing management information for identifying which party, from at least two parties, to bill"; and "determining means for determining which party to bill, from the at least two parties, based on the received network address and the billing management information". First, the Sevcik reference does not teach billing information to identify "which party, from at least two parties, to bill". Sevcik only teaches that one party may be billed (the user), does not teach that more than one party may be billed, and does not teach billing information to identify which party from at least two parties to bill. Second, as discussed above, the Sevcik reference only teaches billing the user and does not teach determining which party to bill, from a selection of at least two parties. Therefore, applicants believe that claim 63 and its dependent claims are patentable over the cited references.
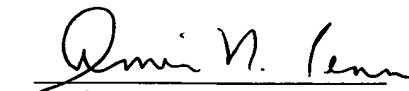
Claim 66

With regard to claim 66, the Office Action states that each of the limitations is taught in Col. 2, line 4 to col. 3, line 33 of the Sevcik reference. However, this excerpt and the entire Sevcik reference fails to teach or suggest at least the following limitations in claim 66: "receiving means for receiving a communication from the information provider server, the

communication comprising information to be routed and billing information, wherein the billing information is other than a network address for the information provider server"; and "determining means for determining which party, from at least two parties, to bill for routing the information, wherein determining is based on the billing information". The "receiving means" limitation in claim 66 distinguishes from the Sevcik reference in at least two respects. First, claim 66 recites that the billing information is received "from said information provider server", not from the user as taught in Sevcik. Second, claim 66 recites that the billing information is "other than a network address of the information provider server". As highlighted above, the Sevcik reference determines billing based on the network address. See col. 2, lines 50-53 ("based on the knowledge of the servers and applications selected by the accesses onto the domain name server DNS function, can determine the billing"). Moreover, the Sevcik reference does not teach the "determining means" limitation in claim 66. As discussed above, the Sevcik reference does not teach or even suggest any step of determining which party to bill since the user is always billed. Therefore, applicants believe that claim 66 is not anticipated or rendered obvious by the Sevcik reference.

SUMMARY

Applicants submit that based on the foregoing remarks, the rejections have been traversed, and that the claims are in condition for allowance. Should there be any remaining formalities, the Examiner is invited to contact the undersigned attorneys for the applicants via telephone if such communication would expedite this application.

Respectfully submitted,

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